

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Reyes OF Texas,
OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES.

#11 REVISED

**AMENDMENT TO H.R. 1873, AS REPORTED
OFFERED BY MR. REYES OF TEXAS**

Strike section 209 and insert the following:

1 **SEC. 209. REVIEW OF SUBCONTRACTING PLANS.**

2 (a) **IN GENERAL.**—Not later than 180 days after the
3 date of the enactment of this Act, the General Services
4 Administration shall, after an opportunity for notice and
5 comment, begin to make modifications, if necessary, to the
6 Electronic Subcontracting Reporting System (ESRS) for
7 the purpose of tracking companies' compliance with small
8 business subcontracting plans included in successful con-
9 tract bids. ESRS shall be further developed, if necessary,
10 in such a way that it allows agencies to track whether or
11 not the prime contractor actually subcontracted work out
12 to the subcontracting firms described in the Small Busi-
13 ness Subcontracting Plan. Further, ESRS shall be modi-
14 fied, if necessary, so that it facilitates review of a com-
15 pany's record of compliance with small business subcon-
16 tracting plans.

17 (b) **PERIODIC REPORTS.**—Prime contractors shall be
18 required to submit Small Business Subcontracting Plans
19 to ESRS and submit subsequent periodic reports to ESRS
20 describing the extent to which the prime contractor com-

1 plied with small business subcontracting plans submitted
2 as part of the company's successful contract proposal.
3 Each such report shall include a specific accounting of
4 compliance with subcontracting goals described in the
5 prime contractor's Small Business Subcontracting Plans
6 related to Small Disadvantaged Businesses Concerns,
7 Women-Owned Small Business Concerns, Historically
8 Black Colleges and Universities and Minority Institutions,
9 Service-Disabled Veteran-Owned Small Business Con-
10 cerns, and HUBZone Small Business Concerns. Each
11 such accounting of compliance shall also be included in
12 ESRS.

13 (c) INCLUSION IN ESRS.—The “percentage of the
14 total dollar amount of the contract award” that is paid
15 to small business, as referred to in paragraph (12) of sec-
16 tion 8(d) of the Small Business Act (as added by section
17 206 of this Act) shall also be included in ESRS.

18 (d) AVAILABILITY OF ESRS.—ESRS and the infor-
19 mation therein shall be made available to agency officials
20 and Source Selection Evaluation Boards (as referred to
21 in Federal Acquisition Regulations 3.104-1) that are
22 charged with evaluating contract proposals, and, when
23 evaluating contract proposals, agencies shall take into con-
24 sideration the compliance with small business subcon-
25 tracting plans of companies competing for Federal con-

1 tracts, and within one year after the date of the enactment
2 of this Act such consideration shall be reflected in the
3 Federal Acquisition Regulations.

4 (e) FURTHER MODIFICATIONS REQUIRED.—ESRS
5 shall be modified in such a way that it can generate com-
6 parable reports on individual companies' compliance
7 records to be used in the contract proposal evaluation
8 processes of agencies.